

FILED

Kimberly Williams

14779 Seneca Rd #7

Victorville, CA 92392

(No Phone, Email, Or Fax)

2017 JUN 21 AM 10:17

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

BY _____

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

ED CV17-01227 JGB

VICTORVILLE/DESERT SPRINGS LP

Case No.:

Plaintiff,

Vs.

NOTICE OF REMOVAL

EXECUTOR OR ADMINISTRATOR FOR THE

KENYALL J. PHIPPS KIMBERLY WILLIAMS

DOES 1 TO 10 INCLUSIVE

Defendant.

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant **Kimberly Williams** (In Pro Per)

hereby remove to this Court the state court action described below.

1. On April 26, 2017, an action was commenced in the Superior Court of the state of California in the county of San Bernardino, entitled, VICTORVILLE/DESERT SPRINGS LP PLAINTIFF Vs., Executor or Administrator for the Kenyall J. Phipps, Kimberly Williams DOES 1 TO 10 Inclusive DEFENDANTS, case number UDBS1700923.

1 2. A copy of all pleadings, process and orders served on
2 this removing Defendant in the state court action (the state
3 court "file") is attached hereto as **EXHIBIT A**
4
5
6
7

8 **JURISDICTION**

9 Defendant's removal is pursuant to Rule 11 of Federal Rules of
10 Civil Procedure and 28 USC Section 1332 Et Seq, since Defendant
11 alleges Plaintiff does not reside in this state and damages as a
12 result of an unfair eviction will exceed amounts noted in 28 USC
13 Section 1332.

14 **DATED:** June 21, 2017
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19 BY: 
20

Defendant, IN PRO PER
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SUM-130

**SUMMONS
(CITACION JUDICIAL)
UNLAWFUL DETAINER-EVICTION
(RETENCIÓN ILÍCITA DE UN INMUEBLE-DESALOJO)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

Executor or Administrator for the Estate of Kenyell J. Phipps; AND DOES
1 TO 10 INCLUSIVE

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):
VICTORVILLE/DESERT SPRINGS, L.P.

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

1. The name and address of the court is:
(El nombre y dirección de la corte es):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO, BARSTOW DIVISION
235 E. MOUNTAIN VIEW AVE.
BARSTOW, CA 92311

CASE NUMBER:

U0651700 9-3

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Kimball, Tirey & St. John LLP
2040 Main Street, Suite 500
Irvine, CA 92614 (949) 476-5585

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400-6415) ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date:
(Fecha) 4/26/17

Clerk, by
(Secretario) /S/ , Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

4. NOTICE TO THE PERSON SERVED: You are served

- a. ☐ as an individual defendant.
b. ☐ as the person sued under the fictitious name of (specify):
c. ☐ as an occupant
d. ☒ on behalf of (specify): ALL UNNAMED OCCUPANTS
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ CCP 415.46 (occupant) ☐ other (specify):

5. ☐ by personal delivery on (date):

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Helaine S. Ashton, Bar #135698 Kimball, Tirey & St. John LLP 2040 Main Street, Suite 500 Irvine, CA 92614 TELEPHONE NO.: (949) 476-5585 FAX NO. (Optional): (949) 476-5580 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Bernardino STREET ADDRESS: 235 E. MOUNTAIN VIEW AVE. MAILING ADDRESS: CITY AND ZIP CODE: BARSTOW, CA 92311 BRANCH NAME: BARSTOW DIVISION	
PLAINTIFF: VICTORVILLE/DESERT SPRINGS, L.P. DEFENDANT: Executor or Administrator for the Estate of Kenyell J. Phipps	
<input checked="" type="checkbox"/> DOES 1 TO <u>10</u> inclusive	
COMPLAINT - UNLAWFUL DETAINER* <input checked="" type="checkbox"/> COMPLAINT <input type="checkbox"/> AMENDED COMPLAINT (Amendment Number): _____	CASE NUMBER: <u>170 0517 06 923</u>
Jurisdiction (check all that apply): <input checked="" type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input checked="" type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000 but does not exceed \$25,000 <input type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (amount demanded exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint or cross-complaint (check all that apply): <input type="checkbox"/> from unlawful detainer to general unlimited civil (possession not in issue) <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlawful detainer to general limited civil (possession not in issue) <input type="checkbox"/> from unlimited to limited	

1. PLAINTIFF (name each): VICTORVILLE/DESERT SPRINGS, L.P.

alleges causes of action against DEFENDANT (name each):

Executor or Administrator for the Estate of Kenyell J. Phipps

2. a. Plaintiff is (1) ☐ an individual over the age of 18 years. (4) ☐ a partnership.
 (2) ☐ a public agency. (5) ☐ a corporation.
 (3) ☒ other (specify): Limited Partnership

b. ☐ Plaintiff has complied with the fictitious business name laws and is doing business under the fictitious name of (specify):

3. Defendant named above is in possession of the premises located at (street address, apt. no., city, zip code, and county):

14779 Seneca Rd. #7

Victorville, CA 92392

County of San Bernardino

4. Plaintiff's interest in the premises is ☒ as owner ☐ other (specify):

5. The true names and capacities of defendants sued as Does are unknown to plaintiff.

6. a. On or about (date): 8/1/2016 defendant (name each):

Executor or Administrator for the Estate of Kenyell J. Phipps

(1) agreed to rent the premises as a ☐ month-to-month tenancy ☒ other tenancy (specify): 1 Year(2) agreed to pay rent of \$ 507.00 payable ☒ monthly ☐ other (specify frequency):(3) agreed to pay rent on the ☒ first of the month ☐ other day (specify):b. This ☒ written ☐ oral agreement was made with(1) ☐ plaintiff.(3) ☐ plaintiff's predecessor in interest.(2) ☒ plaintiff's agent.(4) ☐ other (specify):

*NOTE: Do not use this form for evictions after sale (Code Civ. Proc., § 1161a).

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Form Approved for Optional Use
Judicial Council of California
UD-100 (Rev. July 1, 2006)**COMPLAINT - UNLAWFUL DETAINER**Civil Code, § 1940 et seq.
Code of Civil Procedure §§ 425.12, 1165
www.courtinfo.ca.gov

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PLAINTIFF (Name): VICTORVILLE/DESERT SPRINGS, L.P.	CASE NUMBER:
DEFENDANT (Name): Executor or Administrator for the Estate of Kenyell J. Phipps	

9. ☐ Plaintiff demands possession from each defendant because of expiration of a fixed-term lease.
10. ☐ At the time the 3-day notice to pay rent or quit was served, the amount of rent due was \$
11. ☒ The fair rental value of the premises is \$ 16.90 per day.
12. ☐ Defendant's continued possession is malicious, and plaintiff is entitled to statutory damages under Code of Civil Procedure section 1174(b). (State specific facts supporting a claim up to \$600 in Attachment 12.)
13. ☒ A written agreement between the parties provides for attorney fees.
14. ☐ Defendant's tenancy is subject to the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage):

Plaintiff has met all applicable requirements of the ordinances.

15. ☐ Other allegations are stated in Attachment 15.
16. Plaintiff accepts the jurisdictional limit, if any, of the court.

17. PLAINTIFF REQUESTS

- | | |
|---|---|
| a. possession of the premises. | f. <input checked="" type="checkbox"/> damages at the rate stated in item 11 from |
| b. costs incurred in this proceeding: | (date): 04/18/2017 for each day that |
| c. <input type="checkbox"/> past-due rent of \$ | defendants remain in possession through entry of judgment. |
| d. <input checked="" type="checkbox"/> reasonable attorney fees. | g. <input type="checkbox"/> statutory damages up to \$600 for the conduct alleged in item 12. |
| e. <input checked="" type="checkbox"/> forfeiture of the agreement. | h. <input type="checkbox"/> other (specify): |

18. ☒ Number of pages attached (specify): 9

UNLAWFUL DETAINER ASSISTANT (Bus. & Prof. Code, §§ 6400-6415)

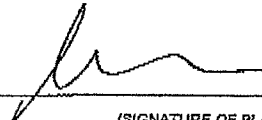
19. (Complete in all cases.) An unlawful detainer assistant ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, state:)

- | | |
|--|----------------------------|
| a. Assistant's name: | c. Telephone No.: |
| b. Street address, city, and zip code: | d. County of registration: |
| | e. Registration No.: |
| | f. Expires on (date): |

Date: 04/24/2017

Helaine S. Ashton
Bar# 135698

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF OR ATTORNEY)

VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the plaintiff in this proceeding and have read this complaint. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

See attached verification

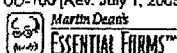
(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF)

UD-100 (Rev. July 1, 2005)

COMPLAINT - UNLAWFUL DETAINER

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NOTICE TO PERMANENTLY PERFORM COVENANT OR QUIT

TO: Executor or Administrator for the Estate of Kenyell J. Phipps; All Unnamed Occupants

AND ALL OTHERS IN POSSESSION:

NOTICE IS HEREBY GIVEN that within **three (3) days** after the service upon you of this notice, you are hereby required to comply with the below described covenant or quit and deliver up possession of the subject premises to the undersigned or to **VICTORVILLE/DESERT SPRINGS, L.P.** who/which is authorized to receive the same, or the undersigned will institute proceedings against you to recover possession of said premises, to recover court costs, attorney's fees as permitted by law, and you may be liable for additional statutory damages of up to SIX HUNDRED DOLLARS (\$600.00) in accordance with California Code of Civil Procedure Section 1174(b), as a result of your failure to comply with the terms of this notice **UNLESS YOU PERFORM SAID COVENANT WITHIN THREE DAYS.**

You are further notified that if you fail to perform or otherwise comply, Owner/Agent does hereby elect to declare the forfeiture of your Rental Agreement under which you hold possession of the above-described premises.

You are being served with this Notice by reason of the fact that you have breached a covenant contained in your Lease or Rental Agreement, in that you have, contrary to said Lease or Rental Agreement, done or omitted to do the following:

You are in violation of the following sections of your lease agreement:

LESSEE OCCUPANCY:

**"Premises shall be occupied only by the following named person(s):
Kenyell J. Phipps; Keyeonte Phipps"**

Section 11: Use of Premises

"Said premises shall be used solely by Lessee for residential purposes and shall be occupied only by the number of occupants as set forth on Page 1 on this agreement."

Section 15: Assignment/Subletting

"Lessee shall not assign this lease or any interest therein, nor sublet said premises or any part thereof. Any attempted assignment shall be null and void."

It has recently been reported to management that Kenyell Phipps is recently deceased and there is an unauthorized occupant residing in the unit.